



*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

November 12, 2021

BY ECF AND EMAIL

The Honorable Edgardo Ramos
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. Neil Cole*, 19 Cr. 869 (ER)

Dear Judge Ramos:

As the Court is aware, on November 1, 2021, trial in this matter concluded with the jury returning a verdict of not guilty with respect to Counts One and Ten of the operative indictment. The jury was unable to reach a unanimous verdict as to counts Two through Nine, and the Court accordingly declared a mistrial as to those counts.

With the consent of the defendant, the Government respectfully requests that it be permitted to inform the Court no later than January 15, 2022 how it wishes to proceed with respect to the open counts (Counts Two through Nine). The requested time will permit the Government to consult with the relevant stakeholders and to deliberate adequately before deciding how to proceed in this matter.

The Government further requests that the Court exclude time under the Speedy Trial Act until January 15, 2022. For the reasons set forth above, the Government submits that the ends of justice served by the requested exclusion outweigh the interests of the public and the defendant in a speedy retrial of the open counts. *See* 18 U.S.C. §§ 3161(e), 3161(h)(7). The defendant consents to the requested exclusion.

Respectfully submitted,

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cc: Counsel for Neil Cole (by ECF)